



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,617	12/14/2000	Eric H. Michelman	3382-55356	7958

7590 02/24/2004

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, OR 97204-2988

EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
----------	--------------

2173

41

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,617

Applicant(s)

MICHELMAN ET AL.

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 6-11, 13, 15-23, 25-27, 29-33, 36-46 and 48-61 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,617,114 (Bier et al.), herein referred to as Bier.

Referring to claims 1 and 61, Bier discloses a method of presenting a computer user interface for performing an action on a selected displayed item amongst a plurality of items (column 3, lines 14-23). Bier also discloses presenting a moveable displayed user interface element with an area displayed within the user interface element for receiving activation (column 4, lines 62-65). Bier discloses that responsive to detecting that the user interface is over a displayed item, selecting the displayed item (column 4, lines 62-65). Bier also discloses receiving an activation, wherein the user chooses an operation within the user interface element and causing an action to be carried out on the selected item (column 4, lines 62-67).

Referring to claim 2, Bier discloses highlighting the selected item (column 13, line 65).

Referring to claim 3, Bier discloses at least one user interface element within the moveable user interface element (column 5, lines 3-5).

Referring to claim 4, Bier discloses buttons displayed within the moveable user interface element (Figure 6).

Art Unit: 2173

Referring to claim 6, Bier discloses that the moveable user interface element contains buttons and text boxes (Figure 6 and Figure 8).

Referring to claim 7, Bier discloses that the text box is updated to indicate information about a displayed item when the displayed user interface element moves over the displayed item (Figure 8).

Referring to claim 8, Bier discloses a displayed pointer separate from the moveable displayed user interface element (reference number 55, Figure 1) and in responsive to determining the moveable displayed user interface element is being dragged by the displayed pointer, repositioning the moveable displayed user interface element (column 4, lines 62-65).

Referring to claim 9, Bier discloses that responsive to detecting the user interface element is over a displayed item displaying information about the displayed item (Figure 8).

Referring to claim 10, Bier discloses that the information about the displayed item is displayed within the moveable user interface element (Figure 8).

Referring to claim 11, Bier discloses accepting a modification of the information and modifying the displayed item in accordance with the accepted information (column 5, lines 1-5).

Referring to claim 13, Bier discloses that responsive to detecting that the user interface element over one of the displayed items, displaying properties of the displayed item (Figure 8).

Referring to claims 15 and 16, Bier discloses that the description of the action is presented within the moveable user interface element and within the area within this moveable user interface element (Figure 6).

Referring to claim 17, Bier discloses that the description comprises a text description of the action (Figure 6).

Art Unit: 2173

Referring to claim 18, Bier discloses that the description comprises the word 'delete' (Figure 6).

Referring to claim 19, Bier discloses that responsive to receiving the activation, moving the moveable displayed user interface element along with the item (column 5, lines 24-25).

Referring to claim 20, Bier discloses a computer user interface for performing operations on displayed items (column 3, lines 14-23). Bier discloses receiving an indication that a particular function is to be performed on a displayed item and upon this indication, responding by displaying a moveable displayed user interface element for performing a particular function (column 4, lines 55-65). Bier also discloses that responsive to the user selecting from a particular area in the display, the moveable user interface element moving to that area and selecting the item (column 4, lines 62-65). Bier then discloses that the user receives an activation indication, wherein the user chooses an option that performs a particular function on the selected displayed item (column 4, lines 62-67).

Referring to claim 21, Bier discloses a moveable user interface element for performing an operation on an item out of a plurality of items displayed on a display (column 3, lines 14-23), the moveable user interface operable to cause selection of the item as it is moved about the display (column 4, lines 55-65). Bier also discloses area within this user interface element, which is designated for receiving activation from a user to initiate the operation on a selected item (column 4, lines 62-67).

Referring to claim 22, Bier discloses that the user interface element is operable to be moved by being dragged by a displayed pointer (column 5, lines 56-59).

Art Unit: 2173

Referring to claim 23, Bier discloses that within the user interface element is an area indicating the name of the operation initiated on the selected item (Figure 8).

Referring to claim 25, Bier discloses a separate drag area for moving the moveable displayed user interface element about the display (column 17, lines 10-14).

Referring to claim 26, Bier a display that comprises a table, wherein the plurality of items comprises columns in the table, as is the case in spreadsheets (column 1, lines 38-41).

Referring to claim 27, Bier discloses an area within the user interface element, wherein a button is displayed for using for receiving an activation ((Figure 6).

Referring to claim 29, Bier discloses an area, which is designated for saving the operation upon activation, wherein the saved operations are displayed (Figures 6 and 8).

Referring to claim 30, Bier discloses that the operation comprises a plurality of steps (column 5, lines 20-23).

Referring to claim 31, Bier discloses a delete operation (Figure 6).

Referring to claim 32, Bier discloses a move operation (Figure 6).

Referring to claim 33, Bier discloses a format operation (Figure 23).

Referring to claim 36, Bier discloses a “copy” operation, which allows for information to be received from a location (Figure 6).

Referring to claim 37, Bier discloses an area operable to cause the displayed user interface element to move to a displayed item neighboring a currently selected displayed item (Figure 6).

Art Unit: 2173

Referring to claim 38, Bier discloses an area operable to cause the displayed user interface element to move from a currently selected displayed item to a displayed next item (Figure 6).

Referring to claim 39, Bier discloses a display area for presenting information about a selected item (Figure 8).

Referring to claim 40, Bier discloses that information about the selected item is editable to modify the selected item (Figure 8).

Referring to claim 41, Bier discloses that the display area for presenting information about a selected area, is transparent, and is inhibited during the movement of the user interface element (column 8, lines 5-7).

Referring to claim 42, Bier discloses automatically updating information about the selected item when the item is selected (column 14, lines 42-43).

Referring to claim 43, Bier discloses that the information about the selected items comprises a property of the selected item (column 14, lines 42-45).

Referring to claim 44, Bier discloses that information about the selected item comprises formatting information about the selected item (column 14, lines 42-45).

Referring to claim 45, Bier discloses that the information about the selected item displays the name of the selected item (Figure 13).

Referring to claim 46, Bier discloses a moveable user interface used to select an item when the user interface element is displayed and is moved over the item (column 4, lines 62-65). Bier also discloses a display area with the name of operations and buttons for receiving an

indication that the operation is to be performed on the selected item (column 4, lines 62-67 and Figure 6).

Referring to claim 48, Bier discloses a means for selecting a displayed item, when a moveable displayed user interface element is moved over the displayed item (column 4, lines 62-65). Bier discloses receiving an activation indication to perform an operation on the selected item, by choosing an option from the moveable menu (column 4, lines 62-67 and Figure 6).

Referring to claim 49, Bier discloses a means for determining when a moveable user interface element is moved over a plurality of areas to select a distinct area or item, which will serve as the target for the user's requests (column 4, lines 62-65). The regions of selectable area are associated with the targets that will be selected for the user to manipulate (column 4, lines 62-67). Bier also discloses a list of the plurality of displayed regions, the list being represented as the items of a spreadsheet document, that serve as targets that can be selected (column 1, line 39). Bier also discloses acquiring target functionality wherein the functionality would be displayed as the menu attributes in relation to the document, herein the document being a spreadsheet (column 4, lines 62-67). Bier discloses release target functionality, wherein the moveable menu is released when the target object is released (column 13, lines 9-12). Bier also discloses whether the an item in the selectable region has been selected with a moveable menu displayed over it, and further goes to execute the options associated with this selected target, and release the target (column 13, lines 5-10).

Referring to claim 50, Bier discloses choosing an item over a plurality of items, through the manipulation of displayed moveable user interface element (column 4, lines 62-65). Bier also discloses a list of the plurality of displayed regions, the list being represented as the items of

Art Unit: 2173

a spreadsheet document, that serve as targets that can be selected (column 1, line 39). Bier discloses determining when the moveable user interface has been moved to a location, consulting a list of regions, which would be done in a spreadsheet document, to determine whether the moveable displayed item has been chosen and moved over the item to be chosen for modification (column 13, lines 60-65). Bier discloses that upon determining the moveable item has been moved over a selected item, taking an action with respect to one of the chosen targets (column 13, lines 60-67).

Referring to claim 51, Bier discloses that at least two displayed items are selected, and wherein responsive to receiving an activation further comprises causing, the action to be performed on the at least two displayed items (Figure 8).

Referring to claim 52, Bier discloses detecting that the user interface element is over a displayed item comprises detecting that any portion of the user interface element is over the displayed item (Figure 8 and column 13, lines 61-65).

Referring to claim 53, Bier discloses wherein the moveable displayed user interface element comprises a hot point and wherein detecting that the user interface element is over a displayed item comprises detecting that the hot point is over the displayed item (column 13, lines 61-66).

Referring to claim 54, Bier discloses that the hot point location can be specified by a user (column 13, lines 61-66).

Referring to claim 55, Bier discloses that the displayed item comprises a reference area and wherein detecting that the user interface element is over a displayed item comprises

Art Unit: 2173

detecting that the moveable displayed user interface, element is over the reference area (column 13, lines 61-66).

Referring to claim 56, Bier discloses that the reference area is larger than the displayed item (column 13, lines 60-61).

Referring to claim 57, Bier discloses that the reference area is smaller than the displayed item (column 13, lines 63-65).

Referring to claim 58, Bier discloses that responsive to detecting that the user interface element has moved off a displayed item, releasing the displayed item (column 13, lines 9-12).

Referring to claim 59 and 60, Bier discloses a computer-readable medium comprising computer-executable instructions for performing the methods of claim 1 and presenting the moveable displayed user interface element of claim 21 (column 7, lines 20-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bier

Referring to claim 5, Bier does not explicitly disclose that the moveable user interface element comprises a button for confirming the action and a button for canceling the action. Bier does disclose that formatting options for the menus are given based on the type of documents, wherein in a text document, font, size and style would be options. It would have been obvious for one skilled in the art at the time of the invention to include buttons for confirming and

Art Unit: 2173

canceling which are included in word processing documents. Hence it would have been obvious for one skilled in the art at the time of the invention to implement common word processing buttons as confirming the action and canceling the action in the moveable menu of Bier.

Referring to claim 28, Bier does not explicitly disclose an "undo" option in the user interface element. Bier does disclose that formatting options for the menus are given based on the type of documents, wherein in a text document, font, size and style would be options. It would have been obvious for one skilled in the art at the time of the invention to include an "undo" option, which is included in word processing documents. Hence it would have been obvious for one skilled in the art at the time of the invention to implement common word processing options as the "undo" option in the moveable menu of Bier.

3. Claims 12, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bier and "Information - Are You Being Served?" (Jon Crowcroft).

Referring to claim 12, Bier discloses accepting a modification of the information, wherein the user is allowed to change components of documents (column 14, lines 42-45). Bier would need some way to process these changes such as is necessary for computer systems, wherein requests by users are processed by the computer system and then changes are made to the display based on these requests. Bier does not clearly state sending the modification to a server computer for processing, as stated in the claims. Crowcroft teaches that in client/server systems, the changes and requests made by clients are sent to the server for processing, wherein these changes will be sent back to the client for displaying, as is the case for processing information in web pages (page 1, lines 15-17 and page 4, line 7). It would have been obvious for Bier to learn from the reference and to further implement a client/server system such as the

Art Unit: 2173

Internet, wherein the changes would be processed and the modifications would be sent to a server for applying these changes. Bier discusses that the items chosen, wherein the modifications will be made to are documents, the "text" and "graphic" documents which would include web pages. Hence, these web pages would require a client/server system as mentioned in Crowcroft, wherein the requests made by the user to modify the display would be sent to the server for processing. One skilled in the art, at the time of the invention, would have been motivated to learn from the reference to add on the client/server system through which the user would display the documents or the web pages.

Referring to claim 14, Bier discloses that the items selected are documents and these documents can be rendered and the actions can be used to modify these pages (Figure 8). But Bier does not clearly state that these documents are rendered version of a web page would be stored in a server and the action modifies the information to be presented as the web page, the page being stored in a server. Crowcroft discloses a client/server system, such as the Internet, which includes web pages and web pages being stored in the server (page 4, line 7). It would have been obvious for Bier to learn from the reference and to further implement a client/server system such as the Internet, wherein the documents and the items would be multiple web pages as displayed in Figures 5. Bier does disclose that documents are changed and these documents would include web pages. Hence, these web pages would require a client/server system as mentioned in Crowcroft, wherein the rendered web pages based on the requests made by the user through the menu in Figure 5a would be stored in server, as is the case for web pages in a client/server system. One skilled in the art, at the time of the invention, would have been motivated to learn from the reference to add on the client/server system through which the user

Art Unit: 2173

would display the documents or the web pages and wherein the versions of the rendered web pages and the actions for modifying the web pages would be processed in the server and then stored there.

Referring to claim 24, Bier discloses that the display includes documents, including text and graphics, wherein the user interface element which is moveable is used to select objects within these documents to be modified (column 14, lines 42-45). Bier does not explicitly state the presence of an Internet browser, as recited in the claims. Crowcroft discloses a client programs which access pages from the server and display them in HTML format on the Internet (page 4, line 7). It would have been obvious for one skilled in the art, at the time of the invention to learn from the reference and implement a client/server system, such as the Internet, which would include Internet browser displays. Bier's inclusion of all documents with text and graphics does in fact include web pages. Hence, with the documents being web pages, a client/server system such as is taught by Crowcroft would be needed to carry out the invention, with the Internet browser being provided as the display for these web page documents. One skilled in the art at the time of the invention would have been motivated to learn from the reference and implement the documents through a client/server system, such as the Internet.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bier and "HP Announces Commerce Centre For Asia Pacific".

Referring to claim 34, Bier does not explicitly state a "buy" operation, as recited in the claims. Bier does state that the options are based on the item that is selected. The HP commerce article teaches allowing users to carry out a transaction; wherein this transaction can only be completed after the user chooses an item (page 2, lines 6-10). It would have been obvious to one

Art Unit: 2173

skilled in the art, at the time of the invention, that the user would have an operation such as buy. Based on the document and the item being selected, a user choosing an item to buy this item, as disclosed in the HP commerce article would want this operation to be an option. Hence, for user satisfaction allowing the user to have the options that they would need to buy a selected item. One skilled in the art, would have been motivated to learn from the HP commerce article and provide the options that a user may want to carry out the transactions they desire concerning a selected item, the operation thereby being a “buy” operation.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bier and “Microsoft Word 97 for Windows”.

Referring to claim 35, Bier does not specifically state a spellcheck operation, as recited in the claims. “Microsoft Word 97 for Windows” does disclose a menu with a spellcheck operation, required for documents with text (page 6, lines 1-5). It would have been obvious for one skilled in the art, at the time of the invention to learn from the reference and implement a spellcheck operation. As seen in “Microsoft Word 97 for Windows”, the spellcheck operation is open for text documents and hence would be needed to format the documents discussed in Bier’s disclosure. One skilled in the art would have been motivated to learn from the reference and implement a spellcheck operation for formatting a document.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bier and “DHTML Basics”.

Referring to claim 47, Bier does not disclose using DHTML DIV element to implement the user interface element, as recited in the claims. “DHTML Basics” discloses that with DHTML and the DIV tags, elements within the HTML format can be dynamically manipulated

Art Unit: 2173

(page 2, lines 21-22). It would have been obvious for one skilled in the art, at the time of the invention to learn from "DHTML Basics" and implements a means for providing dynamically rendered documents, as is the case in Bier's disclosure, where documents are automatically rendered based on the formatting done by the user. Hence, one skilled in the art would have been motivated to learn from "DHTML Basics" to implement a means for manipulating HTML documents dynamically.

Response to Claim Changes

The Examiner acknowledges Applicant's amendments to claims 5 and 6 to better specify the claimed inventions. All claims are rejected under 35 U. S. C. 102 and 103 as being obvious over prior arts.

Response to Arguments

7. Applicant's arguments filed 12/8/03 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a system having a user interface element that is used to select a displayed item.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A

Art Unit: 2173

Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
February 20, 2004


RAYMOND J. BAYER
PRIMARY EXAMINER
ART UNIT 2173